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8 Attorneys for Defendant
HONEYWELL INTERNATIONAL INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

13 DEBORAH GETZ, et al.,

14 || Plaintiffs,

15 || V.

16 THE BOEING COMPANY, et al.,

17 Defendants.

Case No. CV 07-06396 CW

**DECLARATION OF JOANNA E.
HERMAN IN SUPPORT OF
DEFENDANT HONEYWELL
INTERNATIONAL, INC.'S
MOTION FOR PROTECTIVE
ORDER**

Date: June 19, 2008
Time: 2:00 p.m.
Courtroom: 2
Judge: Hon. Claudia Wilken

1 I, Joanna E. Herman, declare as follows:

2 1. I am an attorney admitted to practice in the State of California and am a member
3 of good standing in the state bar. I am an associate with the law firm of Morrison & Foerster,
4 LLP, one of the counsel of record for Honeywell International, Inc. ("Honeywell") in the above
5 captioned action. Statements made in this Declaration are based on my personal knowledge, and
6 I could and would so testify if called as a witness in this matter.

7 2. On April 28, 2008, I left a voicemail message for Mr. Thomas Brandi, counsel of
8 record for Plaintiffs, requesting to meet and confer regarding the discovery requests Plaintiffs
9 propounded on Honeywell.

10 3. On April 28, 2008, I also left a voicemail message for Mr. Brian Malloy, a
11 colleague of Mr. Brandi's, also in an attempt to meet and confer with Plaintiffs' counsel.

12 4. On April 29, 2008, Mr. Brandi and I were able to meet and confer telephonically.
13 I explained to Mr. Brandi that Honeywell would be filing a Motion to Dismiss and Motion to Stay
14 Discovery shortly. I also informed Mr. Brandi that Honeywell was requesting a stay of the time
15 in which Honeywell was to respond to the discovery requests propounded on Honeywell
16 (Requests for Admission ("RFAs")) on April 22, 2008. I requested a stay of the discovery until
17 after the motion to dismiss and motion to stay were resolved. I told Mr. Brandi that should the
18 parties be unable to agree to a stay of the outstanding discovery requests, Honeywell would also
19 need to file a Motion for a Protective Order regarding the RFAs. Mr. Brandi indicated that he
20 would inform Honeywell whether he would agree to stay the outstanding discovery requests after
21 he had a chance to review Honeywell's Motion to Dismiss and Motion to Stay Discovery.

22 5. On April 29, 2008, Honeywell filed a Motion to Dismiss and a Motion to Stay
23 Discovery.

24 6. On April 30, 2008, I contacted Mr. Brandi by e-mail to determine Plaintiffs'
25 position with respect to whether Plaintiffs' intended to grant a stay of discovery or whether
26 Honeywell would need to file a Motion for a Protective Order. I received no response to that e-
27 mail.

1 7. On May 5, 2008, I again contacted Mr. Brandi by e-mail to determine Plaintiffs'
2 position with respect to whether Plaintiffs intended to grant a stay of discovery or whether
3 Honeywell would need to file a Motion for a Protective Order. I informed Mr. Brandi that should
4 we receive no response from him, Honeywell would file a Motion for a Protective Order. I again
5 received no response to that e-mail.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that I executed this declaration on May 6, 2008 at San Diego, California.

Joanna E. Herman
JOANNA E. HERMAN

CERTIFICATE OF SERVICE

I, James W. Huston, hereby certify that on May 6, 2008, I caused to be electronically filed a true and correct copy of the attached **DECLARATION OF JOANNA E. HERMAN IN SUPPORT OF DEFENDANT HONEYWELL INTERNATIONAL, INC.'S MOTION FOR PROTECTIVE ORDER** with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record for Plaintiffs:

<p>Ronald A. McIntire, Esq. Chung H. Han, Esq. PERKINS COIE LLP 1620 26th Street, Sixth Floor, South Tower Santa Monica, CA 90404-4013</p>	<p>Telephone: 310.788.9900 Facsimile: 310.788.3399 Attorneys for Defendant The Boeing Company</p>
<p>Thomas J. Brandi, Esq. Daniel Del'Osso, Esq. Brian J. Malloy, Esq. THE BRANDI LAW FIRM 354 Pine Street, Third Floor San Francisco, CA 94104</p>	<p>Telephone: 415.989.1800 Facsimile: 415.989.1801 Attorneys for Plaintiffs</p>
<p>James R. Donahue, Esq. CAULFIELD DAVIES & DONAHUE 1 Natoma Street Folsom, CA 95630-2637</p>	<p>Telephone: 916.817.2900 Facsimile: 916.817.2644 Attorneys for Plaintiffs</p>
<p>Garth Aubert, Esq. Mark Irvine, Esq. MENDES & MOUNT, LLP 445 South Figueroa Street, 38th Floor Los Angeles, CA 90071</p>	<p>Telephone: 213.955.7780 Facsimile: 213.955.7725 Attorneys for Defendant Goodrich Corporation</p>
<p>Steve Bell, Esq. Beth M. Strosky, Esq. Katherine L. Hilst, Esq. PERKINS COIE LLP 1201 Third Avenue, Suite 4800 Seattle, WA 98101</p>	<p>Telephone: 206.359.8000 Facsimile: 206.359.9000 Attorneys for Defendant The Boeing Company</p>

I also served the following party by overnight mail [Fed. Rule Civ. Proc. rule 5(b)] by placing a true copy thereof enclosed in a sealed envelope with delivery fees provided for, addressed as follows, for collection by UPS, at 12531 High Bluff Drive, Suite 100, San Diego, California, 92130-2040 in accordance with Morrison & Foerster LLP's ordinary business practices.

I am readily familiar with Morrison & Foerster LLP's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Morrison &

1 Foerster LLP's business practice the document(s) described above will be deposited in a box or
 2 other facility regularly maintained by UPS or delivered to an authorized courier or driver
 3 authorized by UPS to receive documents on the same date that it (they) is are placed at
 Morrison & Foerster LLP for collection.

4	Richard Chon, Esq. PERKINS COIE LLP 1620 26 th Street, Sixth Floor South Tower Santa Monica, CA 90404-4013	Telephone: 310.788.9900 Facsimile: 310.788.3399 <i>Attorneys for Defendant The Boeing Company</i>
7	Casey A. Kaufman, Esq. THE BRANDI LAW FIRM 354 Pine Street, 3 rd Floor San Francisco, CA 94104	Telephone: 415.989.1800 Facsimile: 415.989.1801 <i>Attorneys for Plaintiffs</i>

10 Executed at San Diego, California, on May 6, 2008.

11

12 MORRISON & FOERSTER LLP

13 By: /s/ James W. Huston

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